

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Victory Hill Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is vacant land that is not used for crop production or any current residential purposes, it could be grazing land. There are no water rights or shares for water to the proposed lots. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water and Septic** – The applicant is proposing to have wells for water on each lot in the subdivision. The proposal will meet the requirements of Section 4.9 Yellowstone County Subdivision Regulations. All proposed wells will be submitted for review and approval to the MDEQ. Those approval documents will be submitted with final plat.

The applicant is proposing to have individual drain fields on each lot. The proposal will meet the requirements of Section 4.8 Yellowstone County Subdivision Regulations. All proposed septic system will be submitted for review and approval to the MDEQ. Those approval documents will be submitted with final plat. **(Condition #1)**

The maintenance and operation of water and septic systems will be the responsibility of the property owners.

b. **Streets and roads** – The proposed lots all have access off Beet Dump Road, a gravel surface road in Yellowstone County. Beet Dump Road is maintained by Yellowstone County. It is within a private 60-foot-wide access and utility easement. This subdivision will not be building any roadways to access lots.

The applicant has requested a variance from Section 4.4 D, no single lot may be divided by a public road, alley or access easement. Beet Dump Road runs along the southern end of the proposed lots but not in a straight line. Beet Dump Road has some curvilinear portions that leave parts of Tract 1 of COS 3793 on both sides of the road, the eastern side of the tract. A very small part of proposed Lot 3 and slightly larger portions of proposed Lots 4 and 5 are split by Beet Dump Road.

c. **Fire and Police services** – The property is within Custer Fire Department jurisdiction. There is no pressurized fire hydrants or dry hydrants in the area. The

applicant will be installing a 10,000-gallon dry hydrant system for this subdivision. The applicant will provide drawings to the Custer Fire Department for review and approval prior to installation. Once the system is installed the applicant will have the Custer Fire Department test the system to ensure it works properly and will provide a letter stating it is a working dry hydrant system. The applicant will create a public easement for the dry hydrant and an RSID for the maintenance of the tank. **(Condition #2)**

The Yellowstone County Sheriff's Department will provide law enforcement services to this subdivision.

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage for new lots shall satisfy Section 4.7, Yellowstone County Subdivision Regulations and the requirements of MDEQ.

Because these lots are over 20 acres the storm water will be allowed to continue to drain as it has historically done.

f. **School facilities** – The proposed subdivision is located within Custer School District. Custer School District provides educational services for Elementary, Middle school and High School students. Custer School District did not respond to the request for information prior to the writing of this report.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. Yellowstone County Subdivision Regulations Section 10.8 A. A Minor Subdivision is not required to provide parkland.

h. **Postal Service** – The applicant will coordinate preferred box type and placement with the USPS to ensure safety for the mail delivery person. **(Condition #3)**

i. **Historic features** – No known historic or cultural assets exist on the site.

j. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #4)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. A paragraph in

the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Fire Department as part of the BUFSA and the Yellowstone County Sheriff's department.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)

An environmental assessment was not required for this subdivision according to Yellowstone County Subdivision Regulations, Section 9.2 C. 1, a first minor subdivision from a tract of record. There are no known issues on the land, the property is dryland grass and scrub.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

The subdivision is consistent with the type of large lot residential development in the surrounding area.

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

This proposed subdivision will be the same type of development that is currently in the area.

- Goal: Controlled weed populations. (p. 9)

The developer shall complete a weed management plan and shall provide a re-vegetation plan for any ground disturbed by development.

2. 2018 Billings Urban Area Long Range Transportation Plan

This subdivision is outside the 2018 Billings Urban Area Long Range Transportation Plan. The subject property maintains the road system as existing in the area.

3. Billings Area Bikeway and Trail Master Plan (BBTMP)

This subdivision is outside the BBTMP. This development will not be required to build any trail as part of the subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must meet the requirements the Yellowstone City-County Health Department prior to final approval. MDEQ requirements do not apply in this situation because the lots are all over 20 acres.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]

The proposed subdivision is outside of County zoning.

G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]

Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

Legal and physical access will be provided for the new proposed lots from Beet Dump Road.

CONCLUSIONS OF FINDINGS OF FACT

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

The Planning Division recommend conditional approval of the preliminary plat of Victory Subdivision, to the Board of County Commissioners, adopt the Findings of Fact as presented in the staff report, the SIA and approval of the requested variance.